

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**THOMAS A. WELLS, SHARI L. HALL
AMANDA F. HALL, and ADAM L.
MULVANEY, MYCA L. WHEATLEY,
and JAROD S. PARKER,**

Plaintiffs,

v.

**DAVID C. DAVIS, ROGER EHLER,
LARRY L. FOX, MICHAEL HUBBARD,
and UNKNOWN FEDERAL AGENTS,**

Defendants.

No. 05-CV-0811-DRH

**MYCA L. WHEATLEY
and JAROD S. PARKER,**

Plaintiffs,

v.

**DAVID C. DAVIS, ROGER EHLER,
LARRY L. FOX, MICHAEL E. HUBBARD,
and UNKNOWN FEDERAL AGENTS,**

Defendants.

No. 08-CV-0074-DRH

ORDER

HERNDON, Chief Judge:

This matter comes before the Court for case management. Pending before the Court are almost identical motions to consolidate and revised motions to consolidate in each of the above captioned cases (Docs. 66 & 69, 05-0811; Docs. 9

& 10, 08-0074). Plaintiffs in each case move to consolidate these cases as both cases are **Bivens** causes of action arising out of the same occurrence on November 12, 2003 in which Plaintiffs allege that Defendants violated their rights pursuant to the Fourth Amendment of the United States Constitution. The Court notes that on August 5, 2008, Magistrate Judge Wilkerson granted Plaintiffs' motion to amend and allowed Plaintiffs to amend the Complaint in 05-0811-DRH to add Plaintiffs Myca Wheatley and Jarod Parker, to omit the Defendants in whose favor summary judgment had been granted; and to add an additional defendant, Roger Ehler (Doc. 70, 05-0811). On August 6, 2008, Plaintiffs filed their First Amended Complaint (Doc. 72). Accordingly, the Court finds that consolidation is proper and **GRANTS** the motions. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the Court **CONSOLIDATES** these cases. All further pleadings shall be filed in 05-0811-DRH and shall contain that same cause number.

IT IS SO ORDERED.

Signed this 26nd day of August, 2008.

/s/ David R. Herndon

Chief Judge
United States District Court